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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH - CENTRAL DIVISION

BART N. CHRISTOFFERSON,

Plaintiff,

v.

AURORA LOAN SERVICES, CAL
WESTERN RECONVEYANCE, JAMES H.
WOODALL & WASSERMAN, LEHMAN
BROTHERS BANK, FSB LEHMAN
BROTHERS AXIOM FINANCIAL, LLC, a
Utah Limited Liability Company, MELISSA
WRIGHT, an individual and Director of
Axiom Financial INWEST TITLE
SERVICES, INC, a Utah for profit
Corporation, MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC, a foreign

Case No.

NOTICE OF REMOVAL

corporation, DBA MERS, PETE VELLA, an individual and employee of Cal Western Reconveyance GERALD R. MOSS, an individual and CEO of Cal-Western Reconveyance,

Defendants.

TO: THE JUDGES AND CLERK OF THE UNITED STATES DISTRICT COURT IN
AND FOR THE DISTRICT OF UTAH

AND TO: Plaintiff, *in propria persona*; Defendants Axiom Financial, LLC, Melissa Wright, and Inwest Title Services, Inc.

Defendants Aurora Loan Services, Cal-Western Reconveyance, James H. Woodall, Woodall & Wasserman, Lehman Brothers Bank, FSB, Lehman Brothers, Mortgage Electronic Registration Systems, Inc. dba MERS, Pete Vella, and Gerald R. Moss ("Defendants") hereby give notice that this matter is removed to the United States District Court for the District of Utah pursuant to 28 U.S.C. §§ 1331 and 1441.

On August 12, 2008, Bart N. Christofferson ("Plaintiff"), filed a Complaint in the Fourth District Court for Utah County, State of Utah, Provo Department. That action was assigned Case Number 080402559. Plaintiff served a copy of the Summons and Complaint on Aurora Loan Services, Lehman Brothers Bank, and Mortgage Electronic Registration Systems, Inc., on August 12, 2008, on James Woodall and Woodall & Wasserman on August 14, 2008, and on Cal-Western Reconveyance Corp., Pete Vella, and Gerald R. Moss on August 22, 2008. Copies of the Summons and Complaint, Application for Temporary Restraining Order and/or Application for Preliminary

injunction, and the Memorandum in Support of Temporary Restraining Order and/or Application for Preliminary Injunction are collectively attached hereto as Exhibit A.

In compliance with 28 U.S.C. § 1446(a), a copy of this Notice of Removal will be filed with the Fourth District Court for Utah County, State of Utah, Provo Department, and a copy of such notice is attached hereto as Exhibit B. As required by the same statute, Defendants' Removal, and all exhibits hereto, will be served upon Plaintiff promptly.

A. Basis for Jurisdiction in Federal Court:

This Court has original jurisdiction of the subject matter of this action under 28 U.S.C. § 1331 because it contains causes of action premised upon Federal Statutes, specifically the Truth in Lending Act (15 U.S.C. § 1601 *et seq.*), the Fair Debt Collection Practices Act (15 U.S.C. § 1692), and the Real Estate Settlement Procedures Act. (12 U.S.C. §§ 2601 through 2617.)

B. Consent to Removal by Defendants Axiom Financial, LLC, and Melissa Wright

Defendants Axiom Financial, LLC, and Melissa Wright, without waiving objections to service of process or consenting to jurisdiction in absence of proper service of process, consent to removal of the above-referenced matter from the Fourth District Court for Utah County, State of Utah, Provo Department, to the United States District Court for the District of Utah. See Exhibit C.

C. Propriety and Timeliness of Removal:

The State Court Action is removable to this Court pursuant to 28 U.S.C. § 1446(b), which provides that a case may be removed within thirty days after receipt of original process. The Summons and Complaint in this case were first served on Aurora Loan Services, Lehman Brothers

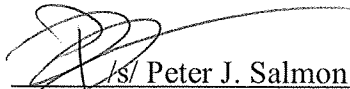
Banks, FSB, and Mortgage Electronic Registration Systems, Inc., on August 12, 2008. As such, this notice of removal is timely filed within thirty days after receipt of the summons and complaint as required by 28 U.S.C. § 1446(b).

D. This is the Proper U.S. District Court

This Court is the United States District Court for the district embracing the place where the State Court Action is pending, and thus this Court is the appropriate Court of removal pursuant to 28 U.S.C. § 1441(a).

Dated: 09/02/08

PITE DUNCAN, LLP

 /s/ Peter J. Salmon

PETER J. SALMON

Attorneys for Defendants Aurora Loan Services, Cal-Western Reconveyance, James H. Woodall, Woodall & Wasserman, Lehman Brothers Bank, FSB, Lehman Brothers, Mortgage Electronic Registration Systems, Inc. dba MERS, Pete Vella, and Gerald R. Moss